

# HB 936/SB 854

## CRIMINAL PROCEDURE - SEX OFFENDERS - NOTIFICATION AND REGISTRATION

Improving Maryland's ability to supervise, register and manage sex offenders who live in our communities

### BACKGROUND

**2006:** U.S. Congress passes the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act.

SORNA replaces all previous federal laws and amendments pertaining to registration and notification and provides a single set of *minimum* standards for all states. States have been given until July 2010 to come into "substantial" compliance or risk a 10% reduction in Byrne grant funds. There is no credit for partial compliance.

### WHY SHOULD MARYLAND ACT NOW?

- SORNA will improve Maryland's Sex Offender Registry and law enforcement and citizen ability to monitor and track offenders
- SORNA increases cooperation and information sharing among States (15% of MD's registrants are from out-of-state)
- SORNA sets a national standard for registration terms so that law enforcement and the public understand the nature and risk level of out-of-state offenders
- SORNA compliance guarantees that Maryland will not lose 10% of Byrne funds administered to improve public safety in our communities
- If Maryland doesn't strengthen its laws, sex offenders may seek safe haven in Maryland

### CRITICAL AREAS OF REFORM

#### Retroactivity

- SORNA requires unlimited retroactive registration for the most violent sex offenders
- *Maryland law is deficient:*

Child sex offenders convicted prior to October 1, 1995 do not register  
Sexually violent offenders convicted prior to July 1, 1997 do not register

#### Registration Terms (Tier System)

- SORNA: 15 years (Tier I), 25 years (Tier II), or lifetime (Tier III)
- *Maryland law is close to compliant:* 10 years or lifetime

#### Juvenile Offender Registration

- SORNA: certain juveniles (those waived to adult court and those 14 or older and adjudicated delinquent of the most serious sex offenses) register for life with provisions that allow removal after 25 years
- *Maryland law is deficient:* courts required to order registration to be imposed at age 21 and registration lasts only 5 years

### Sex Offender Registry and Management Priorities addressed by HB936/SB854

Unlimited Retroactive Registration for the most violent sex offenders

Nationally Standardized Registration Terms (Tier System)

Lifetime registration for Continuous Course of Conduct with a Child

Registration for Indecent Exposure in the Presence of a Minor and Possession of Child Pornography

Homeless Sex Offender Registration:

Closes the gap in MD law which encourages sex offenders to claim that they are homeless to evade registration. Currently, homeless offenders in Maryland do not report a place of habitual residence.

Juvenile Lifetime Registration for certain offenses

Increased Data Collection:

- vehicles
- internet identifiers
- travel and immigration documents
- tattoos
- palm prints
- employer



# MARYLAND V. SORNA COMPARISON: REGISTRATION TERM, RE-REGISTRATION, AND POTENTIAL TERM REDUCTION

SORNA TIER I OFFENSES Re-registration: annual Potential Reduction: from 15 to 10 years***				SORNA TIER II OFFENSES Re-registration: semi-annual No Potential Reduction				SORNA TIER III OFFENSES Re-registration: Quarterly Potential Reduction: from Life to 25 years (juveniles only)**			
Conviction	MD Term	SORNA Term	Conviction	MD Term	SORNA Term	Conviction	MD Term	SORNA Term	MD Term	SORNA Term	
4th Degree Sex Offense (against an adult)			Sexual Solicitation of a Minor			Murder w/ intent to Rape, SO or 3-602					
Visual Surveillance with Prurient Intent (against a minor)	10		Distribution of Child Pornography			Rape 1st Degree					
Indecent Exposure (against a minor)			Hiring a Minor for a Prohibited Purpose	10		Rape 2nd Degree					
Possession of Child Pornography			Human Trafficking (Formerly Pandering)			Sex Offense 1st Degree					
Misleading Domain Names on the Internet			Abduction of a Child under 16			Sex Offense 2nd Degree					
Misleading Words or Digital Images on the Internet			House of Prostitution			Sex Offense 3rd Degree					
Engaging in Illicit Conduct in Foreign Places			Age 14 to 15			Attempted Rape 1st Degree					
Failure to File Factual Statement about an Alien Individual	0		3rd Degree Sex Offense	Life		Attempted Rape 2nd Degree					
Transmitting information about a minor to Further Criminal Sexual Conduct			4th Degree Sex Offense			Attempted Sex Offense 1st Degree					
Sex Trafficking by Force, Fraud or Coercion			Federal crimes only; no MD code applies			Attempted Sex Offense 2nd Degree					
Travel w/Intent to Engage in Illicit Conduct			Sexual Conduct between a Correctional or DJS employee and an inmate or confined child	10		Continuing Course of Conduct w/ a Child					
			Sale of a Minor			Sodomy					
						Unnatural or Perverted Practice					
						Incest					
						Kidnapping of a Minor					
						Sexual Abuse of a Minor*					
						False Imprisonment of Minor					
						Assault with Intent to Rape, or Sexually Abuse					
						Life					
						Victim Under Age 14					
						3rd Degree Sex Offense					
						4th Degree Sex Offense [Ages 14-17 for (c)]					
						Child Kidnapping					
						Sale of a Minor					
						Sexual Conduct between a Correctional or DJS employee and an inmate or confined child					

\*\*In order to receive a reduction in the length of registration, the adult sex offender or juvenile who has committed a sexual offense must maintain a "clean record" and successfully complete an approved treatment program.

\*In MD lifetime registration only applies if the victim was under the age of 12 and was "penetrated" orally, anally, or vaginally.